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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/426,023      | 10/25/1999  | HEINZ BOSS           | GR-27               | 1319             |

7590 05/15/2003

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[REDACTED] EXAMINER

SHAPIRO, JEFFERY A

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 3653     |              |

DATE MAILED: 05/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Paper No. 21

Application Number: 09/426,023

Filing Date: October 25, 1999

Appellant(s): BOSS, HEINZ

**MAILED**

MAY 15 2003

Friedrich Kueffner  
For Appellant

**GROUP 3600**

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 3/4/03

**(1) *Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

**(2) *Related Appeals and Interferences***

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

**(3) *Status of Claims***

The statement of the status of the claims contained in the brief is correct.

**(4) *Status of Amendments After Final***

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) *Summary of Invention***

The summary of invention contained in the brief is correct.

**(6) *Issues***

The appellant's statement of the issues in the brief is correct.

**(7) *Grouping of Claims***

The rejection of claims 1-10 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

**(8) *ClaimsAppealed***

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(9) *Prior Art of Record***

|           |                  |         |
|-----------|------------------|---------|
| 5,777,443 | CHANG            | 7-1998  |
| 4,789,147 | BERGER ET AL     | 12-1988 |
| 4,384,709 | McCAIN ET AL     | 5-1983  |
| 3,917,252 | HARDER ET AL     | 11-1975 |
| 3,966,185 | McCAIN ET AL     | 6-1976  |
| 4,121,818 | RILEY ET AL      | 10-1978 |
| 4,149,711 | JACKSON          | 4-1979  |
| 4,395,031 | GRUBER ET AL     | 7-1983  |
| 4,493,482 | VALENTI ET AL    | 1-1985  |
| 4,768,766 | BERGER ET AL     | 9-1988  |
| 5,114,128 | HARRIS JR. ET AL | 5-1992  |
| 5,678,812 | HARTSOE          | 10-1997 |
| 5,685,533 | HARTSOE          | 11-1997 |
| 5,810,346 | JORG             | 9-1998  |
| 5,819,663 | KLAAS ET AL      | 10-1998 |
| 5,957,263 | ESPENSCHIED      | 9-1999  |
| 5,967,503 | NEWSOME          | 10-1999 |
| 5,974,150 | KAISH ET AL      | 10-1999 |
| 6,019,047 | KLAAS ET AL      | 2-2000  |

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|           |                   |        |
|-----------|-------------------|--------|
| 6,082,724 | KAHLIG ET AL      | 7-2000 |
| 6,095,511 | JAGER             | 8-2000 |
| 6,095,740 | HOLLENSTEIN ET AL | 8-2000 |
| 6,105,955 | RAWLINGS ET AL    | 8-2000 |
| 4,121,818 | RILEY ET AL       | 6-1988 |

***(10) Grounds of Rejection***

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-10 are rejected under 35 U.S.C. 102(b). This rejection is set forth in prior Office Action, Paper No. 7.

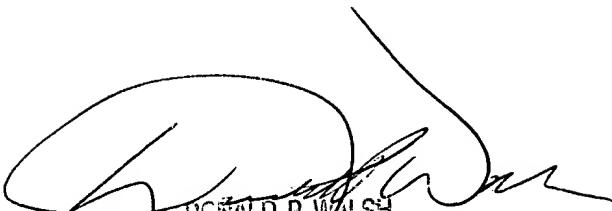
***(11) Response to Argument***

For the above reasons outlined in the final office action, it is believed that the rejections should be sustained.

Respectfully submitted,



Jeffrey A. Shapiro  
Patent Examiner,  
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May 13, 2003

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